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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,572	06/11/2001	James D. O'Brien JR.	12128-062001	3299
<div>35657      7590      08/06/2007</div> <div>FAEGRE &amp; BENSON LLP</div> <div>PATENT DOCKETING</div> <div>2200 WELLS FARGO CENTER</div> <div>90 SOUTH SEVENTH STREET</div> <div>MINNEAPOLIS, MN 55402-3901</div>				
			EXAMINER	
			LEE, CHI HO A	
			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			08/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/878,572

Applicant(s)

O'BRIEN ET AL.

Examiner

Andrew Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27, 30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 30 is/are rejected.
- 7) ☒ Claim(s) 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

ANDREW C. LEE  
PRIMARY PATENT EXAMINER

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-14, 19-27, 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Scott et al U.S. Patent Number 6,480,898.

Re Claims 1, 19, 22, 30, fig. 1 teaches an IP Carrier Network 100 (VOIP retail service provider system), whereby the CX management system call processing (receiving call signaling from VOIP endpoint) for the VOIP call; the CX management 102 further performs routing (a specific IP address) of the call to selected one of the CX Proxy Carrier 106(a) (a call signaling and media proxy) through the CX IP network 104 that includes routing nodes (a managed wholesale VOIP network; one or more managed network elements wherein the CX proxy servers supports H.323 VOIP

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signaling and translation between different IP addressing schemes (See col. 5, lines 24 +).

Re Claims 2, 4, refer to Claim 1, wherein H.323 supports ending a VOIP call after the media session has completed.

Re Claim 3, refer to Claim 1, wherein the media packet supports RTP.

Re Claim 5, refer to Claim 1, wherein the CX proxy 106 performs address translation for forwards (force) the signaling data to the Gateway Server 120 (a destination VOIP network element).

Re Claims 6-10, 26-27, refer to Claim 5, wherein the translation of the signaling data forces the originating endpoint to use the selected CX proxy server/carrier, wherein the translation replaces the IP address with the next hop address.

Re Claims 11-14, 20, 21, 23-25, refer to Claim 1, wherein CX proxy includes a memory for storing IP addresses (dynamic/static virtual IP addresses) for network address translation, wherein based on the translation, the destination gateway (destination VOIP endpoint) is determined.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al U.S. Patent Number 6,480,898 in view of U.S. Patent Number 6,973,042.

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Re Claims 15, 16, refer to Claim 1, wherein '898 patent teaches selecting a particular proxy server. '898 patent fails to explicitly teach selecting the proxy server base on a predetermined QoS. However, '042 patent teaches hop to hop QoS measurement for supporting VOIP application (See col. 3, lines 46-65). One skilled would have been motivated to implement the QoS measurement into the management node 102 to maintain QoS for the VOIP call. In particular, if a selected 106 indicates through testing that delay is substantial, voice quality would have been poor. Hence, selecting a proxy server that maintain QoS would have obvious expedient over the art. Therefore, it would have been obvious to one ordinary skilled to combine the references.

5. Claims 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al U.S. Patent Number 6,480,898 in view of U.S. Patent Number 6,757,294.

Re Claims 17, 18, refer to Claim 1, wherein '898 patent teaches selecting a particular proxy server. '898 patent fails to explicitly teach testing via a series of pings to determine a closest proxy server. However, '294 patent teaches determining the nearest traceroute via pinging (See col. 8, lines 44-53). In particular, choosing a closest traceroute via pinging would have minimize cost routing. One skilled in the art would have been motivated to implement this feature into the management node 102 to facilitate effective routing. Therefore, it would have been obvious to one ordinary skilled to combine the references.

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***Allowable Subject Matter***

6. Claim 31 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In combination with Claims 1 and 31, prior art fails to teach ISP peer advertise the IP addresses of a group of call signaling and media proxy servers to the ISP's network, this connection can be used for VoIP traffic only.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ANDREW C. LEE  
PRIMARY PATENT EXAMINER

